

**CALIFORNIA COASTAL COMMISSION**

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# Th15a

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49 <sup>th</sup> Day:	July 15, 2005
Staff:	Ruby Pap
Staff Report:	June 30, 2005
Hearing Date:	July 14, 2005
Commission Action:	

STAFF REPORT: APPEAL

SUBSTANTIAL ISSUE & DE NOVO

APPEAL NO.:	<b>A-1-MEN-05-024</b>
APPLICANTS:	<b>Monte and Barbara Reed</b>
LOCAL GOVERNMENT:	County of Mendocino
DECISION:	Approval with Conditions
PROJECT LOCATION:	In the Town of Mendocino, at 10751 Lansing Street, on the east side of Lansing St., 150 feet north of the Palette Drive and Lansing St. intersection, Mendocino County (APN 119-140-38).
PROJECT DESCRIPTION:	Remodel and add to an existing 1,145 – square-foot one-story residence, to create a two-bedroom, four-bathroom, 27’8” tall, 5,428 square foot two-story residence, with an 826 – square-foot attached garage, paved driveway, patio, retaining wall, underground water storage tank, 80 – square-foot utility building, LPG tank, landscape berms, and 450 linear feet of 6-foot-high solid fence.
APPELLANTS:	1) Joan Curry; 2) Lee Edmundson;

SUBSTANTIVE FILE  
DOCUMENTS:

1) Mendocino County CDP No. 54-03; and  
2) Mendocino County Local Coastal Program

**SUMMARY OF STAFF RECOMMENDATION:**

**1. Summary of Staff Recommendation: Substantial Issue**

The staff recommends that the Commission, after public hearing, determine that a SUBSTANTIAL ISSUE exists with respect to the grounds on which the appeal has been filed, and that the Commission hold a *de novo* hearing, because the appellant has raised a substantial issue with the local government's action and its consistency with the certified Local Coastal Program (LCP).

The development, as approved by the County, consists of remodeling and adding to an existing 1,145 – square-foot one-story residence, to create a two-bedroom, four-bathroom, 27'8" tall 5,428 – square-foot two-story residence, with an 826 – square-foot attached garage, paved driveway, patio, retaining wall, underground water storage tank, 80 – square-foot utility building, LPG tank, and landscape berms. The project site is located in the Town of Mendocino, at 10751 Lansing Street, on the east side of Lansing St., 150 feet north of the Palette Drive and Lansing St. intersection.

The appellants contend that the project as approved is inconsistent with the certified Mendocino Local Coastal Program. The appeal includes several allegations about how different aspects of the project are inconsistent with the visual resource policies for the Town of Mendocino, which is a designated "Special Community" in the LCP.

Staff recommends that the Commission find that the appellants' contention alleging an inconsistency of the approved development with the visual resource and special community provisions of the certified LCP is valid grounds for an appeal, and raises a substantial issue of conformity of the approved development with the certified LCP, because the scale and design of the approved residence are not compatible with the character of the surrounding area, inconsistent with LCP policies that require that new development be within the scope and character of existing development in the surrounding area. Given the "Special Community" status of the Town of Mendocino, special care must be taken in siting and designing structures to ensure that the character of this significant coastal resource is maintained. In this case, the County Coastal Permit Administrator approved an expansion of an existing residence that would increase the size of the residence by over five times, making the residence much larger than other residences in the neighborhood. Although larger inns are adjacent to the east and southeast of the subject property, the inn buildings are set back much farther from Lansing Drive, and to serve their function as inns, must necessarily be of a larger size than a single-family residence. In addition, as approved, the expanded house would be

painted bright white with contrasting basil green trim, and include a large faux attached “water tower,” all of which would, together with the large mass of the house as expanded, cause the structure to become a focal point rather than blend in with its surroundings.

For all of the above reasons, staff recommends that the Commission find that the appeal raises a substantial issue of conformance of the project as approved by the County with the certified LCP policies with respect to all of the contentions raised.

**The motion to adopt the staff recommendation of Substantial Issue is found on page no. 5.**

**2. Summary of Staff Recommendation *De Novo*: Denial**

The staff recommends that the Commission deny the coastal development permit for the proposed project on the basis that the project is inconsistent with the County’s certified LCP.

The proposed project is inconsistent with the visual resource protection provisions of the certified LCP and there are no conditions that could be imposed by the Commission in the *de novo* process that could make the particular residential structure that is proposed consistent with the certified LCP. The proposed project’s size, as well as various design elements including the proposed faux “water tower” and the exterior colors, white with sweet basil green, are inconsistent with visual resource protection policies of the LCP, which require development to be compatible with the character of the surrounding area. Therefore, staff recommends that the Commission deny the proposed development.

**The motion to adopt the Staff Recommendation of Denial is found on page no. 22.**

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**STAFF NOTES:**

**1. Appeal Process**

After certification of Local Coastal Programs (LCPs), the Coastal Act provides for limited appeals to the Coastal Commission of certain local government actions on coastal development permits (Coastal Act Section 30603).

Section 30603 states that an action taken by a local government on a coastal development permit application may be appealed to the Commission for certain kinds of developments, including developments located within certain geographic appeal areas, such as those located between the sea and the first public road paralleling the sea, or within three hundred feet of the inland extent of any beach, or of the mean high tide line of the sea where there is no beach, or within one hundred feet of any wetland or stream,

or within three hundred feet of the top of the seaward face of any coastal bluff, or those located in a sensitive coastal resource area, such as designated “special communities.”

Furthermore, developments approved by counties may be appealed if they are not designated the “principal permitted use” under the certified LCP. Finally, developments which constitute major public works or major energy facilities may be appealed, whether approved or denied by the city or county. The grounds for an appeal are limited to an allegation that the development does not conform to the standards set forth in the certified local coastal program and, if the development is located between the first public road and the sea, the public access policies set forth in the Coastal Act.

The subject development is appealable to the Commission because the proposed residence is (1) within a sensitive coastal resource area. Section 20.308.110(6) of the Mendocino County Zoning Code and Section 30116 of the Coastal Act define sensitive coastal resource areas as “those identifiable and geographically bounded land and water areas within the coastal zone of vital interest and sensitivity,” including, among other categories, “special communities.” The approved development is located within an area designated in the LCP on the certified land use map as a “special community,” and, as such, is appealable to the Commission.

Section 30625(b) of the Coastal Act requires the Commission to hear an appeal unless the Commission determines that the appeal raises no substantial issue of conformity of the approved project with the certified LCP. Since the staff is recommending substantial issue, unless three Commissioners object, it is presumed that the appeal raises a substantial issue and the Commission may proceed to its *de novo* review.

If the Commission decides to hear arguments and vote on the substantial issue question, proponents and opponents will have three minutes per side to address whether the appeal raises a substantial issue. It takes a majority of Commissioners present to find that no substantial issue is raised.

The only persons qualified to testify before the Commission on the substantial issue question are the applicants, the appellant and persons who made their views known to the local government (or their representatives). Testimony from other persons regarding substantial issue must be submitted in writing.

Unless it is determined that there is no substantial issue, the Commission will proceed to the *de novo* motion of the appeal hearing and review the merits of the proposed project. This *de novo* review may occur at the same or a subsequent meeting. If the Commission were to conduct a *de novo* hearing on the appeal, the applicable test for the Commission to consider would be whether the development is in conformity with the certified Local Coastal Program.

## 2. Filing of Appeal

One appeal was filed by (1) Joan Curry and (2) Lee Edmundson (exhibit no. 8). The appeal was filed with the Commission in a timely manner on May 27, 2005, within 10 working days of receipt by the Commission of the County's Notice of Final Action (exhibit no. 7) on May 19, 2005.

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**PART ONE - SUBSTANTIAL ISSUE**

**I. STAFF RECOMMENDATION ON SUBSTANTIAL ISSUE**

Pursuant to Section 30603(b) of the Coastal Act and as discussed below, the staff recommends that the Commission determine that a substantial issue exists with respect to the grounds on which the appeal has been filed. The proper motion is:

**MOTION:**

I move that the Commission determine that Appeal No. A-1-MEN-05-024 raises No Substantial Issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act.

**STAFF RECOMMENDATION:**

Staff recommends a **NO** vote. Failure of this motion will result in a *de novo* hearing on the application, and adoption of the following resolution and findings. Passage of this motion will result in a finding of No Substantial Issue and the local action will become final and effective. The motion passes only by an affirmative vote by a majority of the Commissioners present.

**RESOLUTION TO FIND SUBSTANTIAL ISSUE:**

The Commission hereby finds that Appeal No. A-1-MEN-05-024 presents a substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act regarding consistency of the approved project with the Certified Local Coastal Plan.

## **II. FINDINGS AND DECLARATIONS**

The Commission hereby finds and declares:

### **A. APPELLANTS' CONTENTIONS.**

The Commission received one appeal of the County of Mendocino's decision to approve the development from Joan Curry and Lee Edmundson. The project as approved by the County involves remodeling and adding to an existing 1,145 – square-foot one-story residence, to create a two-bedroom, four-bathroom, 5,428 – square-foot, two-story, 27'8" tall residence, with an 826 – square-foot attached garage, paved driveway, patio, retaining wall, underground water storage tank, 80 square foot utility building, LPG tank, and landscape berms, and 450 linear feet of 6-foot-high solid fence. The project is located in the Town of Mendocino, on the east side of Lansing Street (CR#500), 150 feet north of its intersection with Palette Drive (CR#448), at 10751 Lansing Street.

The appeal raises a contention alleging inconsistency of the approved project with the visual resource and special community provisions of the County's certified LCP. The appellants' contention is summarized below, and the full text of the contention is included as exhibit no. 8.

#### **1. Protection of Visual Resources and Special Communities**

The Appellants contend that the approved project is inconsistent with policies in Chapter Four of the Mendocino Town Plan, which requires the protection of the Town of Mendocino as a "special community," and requires that all development conform to Coastal Act Section 30251, which requires the protection of scenic and visual qualities of coastal areas and that development be visually compatible with the character of surrounding areas. Additionally, the Appellants contend that the approved project is inconsistent with the historic design standards set forth in the Mendocino Town Zoning Code. Specifically:

- The project blocks public views to the sea from Palette Drive;
- The project is not compatible with the surrounding area because it turns an 1,145-square-foot residence into a 6,250 – square-foot two-story "behemoth," and will visually overwhelm the surrounding residences and it is not compatible with the catholic church across the street;
- The County erred in comparing the project's proposed size to that of the neighboring Hill House and the former Reed Manor in order to justify its mass, because the latter are commercial visitor serving facilities (hotels). A proper comparison to the small residence on the lot to the north would be more appropriate;

- The 450-foot-long, 6-foot high approved fence is, in and of itself inconsistent with visual resource policies and Coastal Act 30251, and the fact that it is proposed to be painted basil green and white exacerbates its adverse visual impact;
- The unusual variety of hips, gables, and several different roof pitches, are also inconsistent with the policies, and unlike any adjacent architecture in the Point of View Estates;
- The three different exterior siding treatments are unlike any other adjacent building in the surrounding area;
- The approved water tower structure attached to the house is a faux addition and is inconsistent with the visual policies because it would draw attention to the structure and set it apart from other structures in the vicinity, rather than achieve compatibility with surrounding structures.
- The approved amount of glass on the residence is excessive and would not be masked by the approved fence on the northern, southern, or western views, contrary to County findings; and
- The use of blacktop on the approved driveway is inconsistent with the historic standard, which requires that driveways be made of grass, gravel, or turf stone.

**B. LOCAL GOVERNMENT ACTION**

The Mendocino Coastal Permit Administrator first heard the Reed's application for the approved project on December 20, 2004. County staff recommended approval of the project with special conditions, and found that the project was consistent with the visual resource policies of the Town Plan, and the development criteria for special communities and neighborhoods in the Mendocino Town Zoning Code. The staff report also stated that the Town of Mendocino was excluded from the Highly Scenic Area, and that the applicant's parcel was excluded from the Mendocino Historic Preservation District, as stated in Section 20.760.010(B) (see p.16) of the Mendocino Town Zoning Code, and hence, not subject to the design guidelines of the Historic District.

At the hearing, a letter was presented by Appellant Joan Curry stating that the design standards for the Mendocino Historic Preservation District should be applied to the Reed project, even though the building site is excluded from the District, based on Section 20.692.020(E), which states:

*Development Outside the Historical Preservation District identified in Section 20.760.010 shall be consistent with the standards of the historical preservation District in Section 20.760.050.*

The application was subsequently continued to January 27, 2005 for an assessment and determination of whether or not the project was subject to the historic design standards. At the January hearing, the project's design was found to be inconsistent with the visual resource policies of the Mendocino Town Plan, which require compliance with Section 30251 of the Coastal Act, which requires, among others, that development be sited and

designed to be visually compatible with the character of the surrounding areas. The size of the proposed house by itself was not found to be inconsistent, but the lighthouse entry tower as well as the amount of glass visible from public locations was found to be the most inconsistent with the above policies. The project was also found to be subject to and inconsistent with the historic design standards, and it was decided that the application be continued until such time as the project was redesigned to achieve consistency with the standards.

The project, with four proposed design modifications, was heard again on April 28, 2005. The proposed design modifications included the elimination of a 30-inch high metal picket fence enclosing the front portion of the lot, the elimination of an entry gateway structure north of the front of the garage, the submission of a landscape plan depicting plants along the fence, and the replacement of the octagonal simulated “lighthouse” entry tower with a square simulated “water tower” entry tower. County Staff recommended denial of the modified project based on the project’s inconsistency with the visual resource policies of the Town Plan. While County Staff felt that the design modifications provided some reduction in the visual impacts, the modifications did not go far enough in achieving the project’s compatibility with the surrounding area. Specifically, the elimination of the picket fence and the additional landscaping would provide some reduction in the visual impacts, but the water tower created a visual focal point designed to draw attention to the structure and set it apart from other structures in the vicinity, rather than to achieve compatibility. A decision on the project was again continued to May 6, 2005.

At the May hearing, the Coastal Permit Administrator approved the residence with conditions, and adopted several “findings of approval,” stating that the project was consistent with the visual resource policies of the Mendocino Town Plan and Code, including that the proposed project was consistent with the development criteria for special communities and neighborhoods, that the development is within the scope and character of the surrounding neighborhood, public views to the coast would be protected, and the location and scale of the residence would not have an adverse effect on nearby historic structures. The Permit Administrator also found that the residence, as modified, was consistent with the historic design standards, utilizing a less stringent review process since the area in question is more ‘modern,’ and excluded from the Historical District. The following special condition was imposed relating to the reduction of the residence’s visual impacts:

*The establishment and maintenance of the fence around the structure, and the landscaping immediately adjacent to the fence as shown on the landscape plan received by Fort Bragg Planning and Building Services on April 12, 2005, is an integral factor in reducing the visual impact of the proposed residence. The fence and the landscaping shall be maintained for the life of the project.*



The decision of the Coastal Permit Administrator was not appealed at the local level to the County Board of Supervisors. The County then issued a Notice of Final Action, which was received by Commission staff on May 19, 2005, (exhibit no. 7). Section 13573 of the Commission's regulations allows for appeals of local approvals to be made directly to the Commission without first having exhausted all local appeals when, as here, the local jurisdiction charges an appeal fee for the filing and processing of local appeals. The project was appealed to the Commission in a timely manner on May 27, 2005, within 10 working days after receipt by the Commission of the Notice of Final Local Action on May 19, 2005.

**C. PROJECT AND SITE DESCRIPTION**

Approval has been granted by Mendocino County to remodel and add to an existing 1,145 – square-foot one-story residence, to create a two bedroom, four-bathroom, 27'8" tall, 5,428 square foot two story residence, with an 826 – square-foot attached garage, paved driveway, patio retaining wall, underground water storage tank, 80 square foot utility building, LPG tank, and landscape berms. The property is located in the Town of Mendocino, on the east side of Lansing Street (CR#500), 150 north of its intersection with Palette Drive (CR#448), at 10751 Lansing Street.

An existing single-story, 1,145 – square-foot single-family residence is located in the northeastern corner of the parcel. As approved, the house would be remodeled and expanded to add an office, a bedroom, a bathroom, a laundry room, and closets. An enclosed sun porch is to be added on the west side, and a sun room/potting shed and storage room is to be added on the east side. The existing building with the east and west additions would remain a single story.

In addition, a two-story addition has been approved, to be constructed on the south side of the existing building. The ground floor would contain an entry hallway, a living room, a kitchen and dining room, a media room, a bathroom, a utility room, storage rooms, and a two-car garage. The upper floor would contain a bedroom, a computer room, two bathrooms, a laundry room, closets, and an outside deck. The west side of the building would be accented by a square simulated "water tower" over the entry, with windows on three levels, giving the appearance of a three-story structure, although the upper level is open to the second floor below, with no third floor in the tower.

The ground level of the building would enclose approximately 3,887 square feet, plus 826 square feet in the garage, for a total of 4,713 square feet. The upper level would enclose approximately 1,541 square feet, for a grand total of 6,254 square feet. The maximum height of the building is shown to be 27' 3" above finished grade at the peak of the "water tower" roof. A ridge running north and south over the two-story portion of the building is 26'6." A retaining wall of approximately 4' 6" inches maximum height around the east and south sides of the house would allow the floor of the new addition to

be at the same level as the floor of the existing house, and be 1 to 3 ½ feet below the natural grade within the addition's footprint.

The approved structure uses three different types of siding, including Hardie panels with vertical battens, Hardie planks (horizontal), and Hardie fish-scale shingles, all painted white. Garage doors, trim fascia, gutters, and downspouts are to be "sweet basil green." The roof of the house would contain both hips and gables, and would be broken into sections with various modest pitches, ranging from 2 ½ in 12 to 5 in 12. Roofing is to be black or dark gray composition shingles. Downcast exterior light fixtures are proposed at eight locations around the building. The approved residence also uses a substantial amount of glass in the design, including on the sun room/potting shed to be added on the east side of the residence, facing away from the main thoroughfare as well as large windows, divided into lights, on the west side of the building facing the main thoroughfare, Lansing Street.

The approved project also includes an 8-foot x 10-foot utility building, 11-feet high, to be located south of the entry gate at Lansing Street, an LPG tank in the southwest corner of the property, screened by 30-inch-high fencing similar in design to the 6-foot existing fencing on the eastern portion of the parcel, a new paved driveway, and an underground water storage tank on the eastern portion of the lot. Soil to be removed from the site of the addition would be used to create two landscape berms between the house and Lansing Street, on either side of the driveway.

The subject parcel is designated on the Town of Mendocino Land Use Map as Suburban Residential – 20,000 square feet minimum lot size (SR-20,000), and is zoned Mendocino Suburban Residential (MSR). The Town of Mendocino is recognized as a unique community on the northern California coast, and is listed on the National Register of Historic Places. The town is designated as a "Special Community" in the County's LCP. The area is located outside of the core historic district to the south and southwest, which contains structures dating back to the late 1800s. In contrast, the buildings in the area surrounding the subject property were, for the most part, constructed during the mid to later part of the 20<sup>th</sup> Century. To the east of the applicant's parcel is the two-story Hill House Inn hotel and restaurant. To the south, across Palette Drive, are a cemetery and the MacCullum Suites Bed and Breakfast. To the west, across Lansing Street is the Catholic Church, and to the north is the Point of View Estates Subdivision, which is suburban in feel with a variety of single-family residential homes. The approved building is located just off of Lansing Street (the old Highway One), the main north-south road through town, and it would be significantly closer to the road than the two large inns to the east and southeast.

**D. SUBSTANTIAL ISSUE ANALYSIS.**

Section 30603(b)(1) of the Coastal Act states:

*The grounds for an appeal pursuant to subdivision (a) shall be limited to an allegation that the development does not conform to the standards set forth in the certified local coastal program or the public access policies set forth in this division.*

Coastal Act Section 30625(b) states that the Commission shall hear an appeal unless it determines:

*With respect to appeals to the commission after certification of a local coastal program, that no substantial issue exists with respect to the grounds on which an appeal has been filed pursuant to Section 30603.*

The term “substantial issue” is not defined in the Coastal Act or its implementing regulations. The Commission’s regulations indicate simply that the Commission will hear an appeal unless it “finds that the appeal raises no significant question.” (California Code of Regulations, Title 14, Section 13115(b).) In previous decisions on appeals, the Commission has been guided by the following factors:

1. The degree of factual and legal support for the local government's decision that the development is consistent or inconsistent with the certified LCP and with the public access policies of the Coastal Act;
2. The extent and scope of the development as approved or denied by the local government;
3. The significance of the coastal resources affected by the decision;
4. The precedential value of the local government's decision for future interpretations of its LCP; and
5. Whether the appeal raises only local issues, or those of regional or statewide significance.

Even when the Commission chooses not to hear an appeal, appellants nevertheless may obtain judicial review of the local government's coastal permit decision by filing a petition for a writ of mandate pursuant to Code of Civil Procedure, Section 1094.5.

The contention raised in this appeal presents potentially valid grounds for appeal in that it alleges the project’s inconsistency with policies of the certified LCP. Specifically, this

contention alleges that the approval of the project by the County raises a significant issue related to LCP provisions regarding: (a) the protection of visual resources and special communities (b) consistency with the historic design standards of the Town of Mendocino. In this case, for the reasons discussed further below, the Commission exercises its discretion and determines that with respect to the allegation below, the appeal raises a substantial issue with regard to the approved project's conformance with the certified Mendocino County LCP.

Allegation Raising Substantial Issue Regarding Protection of Visual Resources and Special Communities

The Appellants contend that the approved project is inconsistent with policies protecting the Town of Mendocino as a "special community," and the protection of scenic and visual qualities of the area. Specifically:

- The project blocks public views to the sea from Palette Drive;
- The project is not compatible with the surrounding area because it turns an 1,145-square-foot residence into a 6,250 – square-foot two-story "behemoth," and will visually overwhelm the surrounding residences and it is not compatible with the catholic church across the street;
- The County erred in comparing the project's proposed size to that of the neighboring Hill House and the former Reed Manor in order to justify its mass, because the latter are commercial visitor serving facilities (hotels). A proper comparison to the small residence on the lot to the north would be more appropriate;
- The 450-foot-long, 6-foot-high approved fence is, in and of itself inconsistent with visual resource policies and Coastal Act 30251, and the fact that it is proposed to be painted basil green and white exacerbates its adverse visual impact;
- The unusual variety of hips, gables, and several different roof pitches, are also inconsistent with the policies, and unlike any adjacent architecture in the Point of View Estates;
- The three different exterior siding treatments are unlike any other adjacent building in the surrounding area;
- The approved water tower structure attached to the house is a faux addition and is inconsistent with the visual policies because it would draw attention to the structure and set it apart from other structures in the vicinity, rather than achieve compatibility with surrounding structures.
- The approved amount of glass on the residence is excessive and would not be masked by the approved fence on the northern, southern, or western views, contrary to County findings; and
- The use of blacktop on the approved driveway is inconsistent with the historic standard, which requires that driveways be made of grass, gravel, or turf stone.

Appellants cite policies in Chapter Four of the Mendocino Town Plan, which require the protection of the Town of Mendocino as a "special community," and require that all

development conform to Coastal Act Section 30251, which requires the protection of scenic and visual qualities of coastal areas and that development be visually compatible with the character of surrounding areas. Additionally, Appellants cite the historic design standards of the Town zoning code.

LCP Policies and Standards

LUP Policy 4.13-1 States:

*The Town of Mendocino shall be designated a special community and a significant coastal resource as defined in Coastal Act Section 30251. New development shall protect this special community which, because of its unique characteristics, is a popular visitor destination point for recreational uses.*

*Mendocino shall be recognized as a historic residential community with limited commercial services that are important to the daily life of the Mendocino Coast.*

*The controlling goal of the Town Plan shall be the preservation of the town's character. This special character is a composite of historic value, natural setting, attractive community appearance and an unusual blend of cultural, educational and commercial facilities.*

*The preservation of the town's character shall be achieved, while allowing for orderly growth. This shall be done by careful delineation of land uses, provision of community services and review and phasing of development proposals. Balance shall be sought between residential units, visitor accommodations and commercial uses. Provision of open space and siting of structures to retain public views of the sea shall be considered as part of all new development proposals. The objective shall be a Town Plan which retains as much as possible the present physical and social attributes of the Mendocino Community.*

*"Balance" between residential uses, commercial uses and visitor serving uses shall be maintained by regulating additional commercial uses through development limitations cited in the Mixed Use and Commercial Land Use Classifications; and, by limiting the number of visitor serving uses.*

*Visitor Serving Units listed on Table 4.13-1 (234) shall remain fixed, and a ratio of thirteen long term dwelling units to one Vacation Home Rental or one Single Unit Rental (Tables 4.13-2 and 4.13-3) shall remain fixed; until the plan is further reviewed and a plan amendment is approved and certified by the California Coastal Commission.*

*For example, an increase in long term residential dwelling units from the current count of 306 to 319, would allow an increase of one short term rental, whether Single Unit Rental or Vacation Home Rental.*

*Tables 4.13-2 (Single Unit Rentals) and 4.13-3 (Vacation Home Rentals) shall be flexible as to location and such changes of location shall not require a plan amendment.*

LUP Policy 4.13-13 States:

*In addition to any design review related to protection of the character of the town, all development shall conform to Section 30251 of the Coastal Act, and any specifically designated scenic and view areas as adopted on the map. Provisions of open space and siting of structures to retain public views shall be considered as part of all new development proposals. (Emphasis added).*

Coastal Act Section 30251 states:

*The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting. (Emphasis added)*

Sec. 20.504.020 of the Mendocino County Coastal Zoning Code states in applicable part:

- (A) The Town of Mendocino is the only recognized special community in the Coastal Element. Division III of Title 20 provides specific criteria for new development in Mendocino...*
- (C) Development Criteria.*
  - (1) The scale of new development (building height and bulk) shall be within the scope and character of existing development in the surrounding neighborhood.*
  - (2) New development shall be sited such that public coastal views are protected.*
  - (3) The location and scale of a proposed structure will not have an adverse effect on nearby historic structures greater than an alternative design providing the same floor area. Historic structure, as used in this subsection, means any structure where the construction date has been identified, its history has been substantiated, and only minor alterations have been made in character with the original architecture.*
  - (4) Building materials and exterior colors shall be compatible with those of existing structures.*

*(D) The scenic and visual qualities of Mendocino County Coastal Areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas designated by the County of Mendocino Coastal Element shall be subordinate to the character of its setting. (Ord. No. 3785 (part), adopted 1991) (Emphasis added).*

Mendocino Town Plan Policy 4.13-8 states:

*The Historical Preservation District Zoning Ordinance, as amended, shall be made a part of the implementing ordinances of the Mendocino Town Plan and the Mendocino Historical Review Board shall continue to exercise those charges as specified by the ordinance.*

Mendocino Town Plan Policy 4.13-9 states:

*Design review guidelines shall set criteria which will be utilized to ensure preservation, protection, enhancement, rehabilitation, reconstruction and perpetuation of existing structures of historic significance in a manner consistent with the character of the Town.*

*New buildings, rehabilitations and renovations to existing structures will be consistent with the character of the town and they shall not degrade the setting of buildings of landmark stature (as described in the Inventory of Historic Building, Appendix, Historic Structures). Regulations shall be consistent with the historic ordinance and guidelines as accepted by the County Board of Supervisors. Such criteria shall include, but not be limited to architectural design, size, height, dormers, windows, structures, appurtenances, proportion and placement of improvements on the parcel, and landscaping, including planting or removal of vegetation, must be reviewed in the application process.*

Mendocino Town Plan Policy 4.13-11 states:

*Review of applications for all new development shall include consideration of requiring dedicated scenic easements to protect views from Highway 1, as well as public views to the sea and landmark structures as described in the Inventory of Historic Structures (Appendix).*

Mendocino Town Plan Policy 4.13-13 states:

*In addition to any design review related to protection of the character of the town, all development shall conform to Section 30251 of the Coastal Act, and any specifically designated scenic and view areas as adopted on the map. Provisions of open space and siting of structures to retain public views shall be considered as part of all new development proposals.*

Sec. 20.760.010 of the Mendocino Town Zoning Code states:

*Designation of District.*

*In addition to the use regulations provided in this division there is hereby established the Mendocino Historical Preservation District which shall be an overlay district applying to the following unincorporated areas of the Town of Mendocino:*

- (A) That area bounded on the north by Slaughterhouse Gulch, on the south by the waters of Big River and Mendocino Bay, on the west by the Pacific Ocean and the east (north of Little Lake Road) by those parcels fronting on the west side of Gurley Street (south of Little Lake Road), following the present Sewer District/Town Plan boundaries as per drawing (Assessor's Parcel Book 119, Pages 10 and 11).*
- (B) Excepting that subdivision commonly known as Point of View Estates, and Assessor's Parcel Numbers 119-070-12, 119-080-12, 119-080-14, 119-080-15, 119-140-04, 119-140-05 and 119-140-29 (November 28, 1978, Reed vs. County of Mendocino #44860); all that real property situated in the County of Mendocino, State of California, described in Exhibit "A", which is incorporated herein by reference and is available for public inspection at the office of the Mendocino County Office of the Clerk of the Board of Supervisors, Courthouse, Ukiah. Such area shall be subject to the provisions of this Chapter. (Ord. No. 3915 (part), adopted 1995)(emphasis added)*

Section 20.692.020 of the Mendocino Town Zoning Code states in applicable part:

*Special Considerations.*

*(E) Development outside the Historical Preservation District identified in Section 20.760.010 shall be consistent with the standards of the Historical Preservation District in Section 20.760.050. (Ord. No. 3915 (part), adopted 1995)*



Section 20.760.050 of the Mendocino Town Zoning Code (historic design standards) states:

*Standards.*

*It is the intent of this section to provide standards which shall be used by the Review Board when considering applications subject to the provisions of this Chapter:*

- (A) Size, forms, materials, textures, and colors shall be in general accord with the appearance of structures built in Mendocino prior to 1900. To this end they shall be in general accord with the designs as exemplified, but not limited to, those depicted in the photographs contained in Exhibit "B", a book of photographs which is incorporated herein by reference and is available for public inspection through the Clerk of the Mendocino Historical Review Board. This section shall not be interpreted as requiring construction to be with the forms, materials, textures, colors or design as used in Mendocino prior to 1900, but only that the construction be compatible with and not in disharmony with the architectural standards herein expressed.*
- (1) All activities subject to this Chapter shall relate to the area in which it is located through texture, size, proportion, height, form, style, siting, materials, and relationship to surrounding structures. Contemporary design is not expressly prohibited.*
  - (2) The excessive use of glass is discouraged.*
  - (3) The architecture, size, materials, details, proportion, height, texture, color, facade treatment and fenestration of the work proposed insofar as the same affects the appearance of the subject property and other property within the district.*
  - (4) Fences should be of wood, iron, or plant materials. Retaining walls should be of dry stone, stone masonry or wood.*
  - (5) Sidewalks of brick, flagstone, or board are allowed. Driveways of grass, gravel or turf stone are allowed. Major coverage of front yard setbacks is prohibited.*
  - (6) Lighting: If sign lighting is required, it shall be indirected, restricted to business hours only, and shall not create a glare or reflection onto adjacent properties or public streets. Neon lighted signs are prohibited. Indoor lighted signs visible to the public from outside the building are subject to the approval of the Mendocino Historical Review Board.*
  - (7) Utility poles and street lighting: Street lighting shall be limited to only that necessary for safety to light streets and pedestrian walkways.*
  - (8) Signs:*
    - (a) Signs should be made of wood.*
    - (b) Only one (1) sign will be allowed per business when one (1) sign will suffice.*

- (c) *Use of a "directory" type sign is recommended for buildings containing more than one (1) business and using a common entrance.*
        - (d) *Size, design, and location of sign shall be in harmony with the building and surrounding buildings.*
        - (e) *Signs shall not block public views or lines of sight. Signs flush to building are preferable; signs perpendicular to building are permitted under special circumstances.*
        - (f) *Signs advertising businesses outside of the Historic District or advertising local businesses not located on the same property are prohibited.*
  - (9) *Exterior painting: In the use of paint color schemes involving more than one (1) color, the "accent" color shall be limited to those parts of the structure, defined herein:*
    - (a) *Basic color: applied to exterior siding.*
    - (b) *Trim color: applied to soffits, fascias and trim.*
    - (c) *Accent color: applied to window frames, emullients, muntins and doors.*
  - (10) *Dumpsters shall be effectively screened from public view.*
  - (11) *Landscaping: Any construction related to landscaping in excess of six (6) feet in height shall be compatible with and not in disharmony with the existing structure(s) on the property or other structures in the District.*
  - (B) *In order to further amplify and illustrate the descriptions or definitions of Mendocino architecture prior to 1900, and to furnish more complete details, architectural elements and composition thereof, the Review Board may from time to time submit additional illustrations, photographs and definitions, which, when approved by resolution of the Board of Supervisors of Mendocino County, shall be additional standards applicable in the Historical Preservation District.*
  - (C) *To determine whether activities subject to this chapter will be in conformance with the standards set forth above, the Review Board shall evaluate the following elements of each application proposal:*
    - (1) *Height. The height of any new development and of any alteration or new construction to a landmark structure shall be compatible with the style and character of the structure and with surrounding structures in the same Historical Zone.*
    - (2) *Proportions of Windows and Doors. The proportions and relationships between doors and windows of any new development and of any proposed alteration or new construction to a landmark structure shall be compatible with the architectural style and character of the structure and with surrounding structures in the same Historical zone.*
    - (3) *Relationship of Building Masses and Open Spaces. All new development shall provide open space areas and the relationship of the siting of any development to the open space between it and adjoining structures shall*

*be compatible. All development shall be compatible with public views to the sea and to landmark and historically important structures.*

- (4) Roof Shape. The design of the roof of any new development and of any proposed alteration or new construction to a landmark structure shall be compatible with the architectural style and character of the structure and surrounding structures in the same Historic Zone.*
- (5) Landscaping. Landscaping shall be compatible with the architectural character and appearance of adjacent landmark and historically important structures and surrounding structures, landscapes and public views in the same Historic Zone. Landscaping shall be used to effectively screen on-site parking areas where appropriate.*
- (6) Scale. The scale of any new development or alteration or new construction to an existing structure shall be compatible with the architectural style and character of existing and surrounding structures in the same Historic Zone.*
- (7) Directional Expression. Facades shall blend with other structures with regard to directional expression and structures shall be compatible with the dominant vertical expression of surrounding structures. The directional expression of a landmark and/or historically important structure after alteration, construction or partial demolition shall be compatible with its original architectural style and character.*
- (8) Architectural Details. Where any alteration, demolition or new construction is proposed for a landmark or historically important structure, architectural details, including materials, color, textures, fenestration and ornamentation shall be treated so as to make the structure compatible with its original architectural style and character, and to preserve and enhance the architectural style and character of the structure. (Ord. No. 3915 (part), adopted 1995)*

### Discussion

LUP Policies 4.13-1 and 4.13-13, Coastal Act Section 30251, and the development criteria for “Special Communities”, as stated in Section 20.504.020 of the Coastal Zoning Code, require that the scale of new development be within the scope and character of existing development in the surrounding area, and that building materials and exterior colors be compatible with existing structures, and that new development be sited and designed to be visually compatible with the character of the surrounding area.

The approved 5,428 – square-foot remodeled house, or 6,254 – square-foot house if one adds the approved attached garage, would be more than five times the size of the existing residence and much larger than other single-family residences in surrounding neighborhood. Additionally, the west elevation of the house would be somewhat more than three times the size of that of the existing house, and the north elevation would also show a similar increase in size, with the second story addition appearing above and

beyond the remodeled existing building. While there are two large inns behind the Reed residence, the 8,317 – square-foot MacCallum House Suites, a 5-unit bed and breakfast facility, and the 35,000 - square-foot Hill House Inn, these structures are visitor-serving units, and by their very nature, are large. The subject residence is not an inn, but a residence, and therefore other residences in the neighborhood arguably provide a more appropriate baseline for comparison in evaluating whether the project is visually compatible with its surroundings. The Reed residence as approved would be significantly larger and out of character with the surrounding residences. These include the small, inconspicuous approximately 1,000 – square-foot neighboring residence to the north (see exhibit 5), and all of the 1,048 – 2,710 square foot residences in the Point of View Subdivision to the north.

The Applicants and their agent have submitted square footages for several large structures in Mendocino County to the Commission, but virtually none of the residences are located close to the Reed residence, and many of the structures submitted are commercial structures, not residences. The Applicants did note the “Lemley House”, a 4,851 – square-foot residence on Lansing Street, but this house is located on the other side of Lansing Street and 1,500 feet north of the Reed residence, and is largely outside the plane of view as one views the Reed residence and its environs from Lansing Street. Furthermore, the Reed residence as approved would still be 1,400 square feet larger than the Lemley House.

Moreover, even if one were to use the adjacent two inns as a baseline for determining the project’s compatibility with its surroundings, the Hill House Inn and the MacCallum House Suites, while very large, are set back approximately 200 – 250-feet from Lansing Street and do not visually dominate the main thoroughfare. The Reed residence is situated on a large open lawn, and the expanded residence would be approximately 60-feet off of Lansing Street, a well-traveled thoroughfare, and the proposed addition expanding the house by five times its current size would dominate the landscape from the eye of the passerby. Currently the passerby can look east from Lansing Street and see a smooth transition from smaller/shorter residences (including the current Reed residence) to the taller inns on the hillside behind the smaller residences to the east. If the Reed house, which is currently 1,145 square feet and single story, were enlarged dramatically as approved, it would break up this smooth transition and draw one’s attention to the large residence towering over the road.

Furthermore, the ‘faux’ water tower design element as well as the approved colors on the residence, would further add to the residence’s tendency to “stand out” rather than blend in with the surrounding area. The neighboring Hill House Inn is light green and the MacCallum House Suites is beige. Neither of these colors is very bright so as to cause the structures to stand out from their surroundings. Exterior colors used in the Point of View Subdivision to the north are varied, but mainly are weathered wood, and many have white painted trims rather than brighter colors, in contrast to the proposed basil green trim on the Reed residence. While there are water towers throughout the Mendocino Historic

District, this area of town contains structures that are more modern, and differently designed than those structures downtown, and there are no other water towers that are prominent in the immediate vicinity of the subject parcel from Lansing Street. The approved water tower and the approved colors on the Reed residence, white with sweet basil trim, combined with its large size, would cause the structure to become a focal point, rather than blend with the surroundings.

Although the Mendocino County Permit Administrator ultimately approved the project, County Staff made the following observations in their January 25, 2005 staff recommendation:

*“The redesign of the entry tower to a design element evoking a water tower rather than a lighthouse could be argued to have some increased connection to Mendocino architecture, as there are water towers in Mendocino, but not lighthouses. However the structure being proposed is neither a water tower nor a lighthouse, but a residence, and it is debatable whether there is really any reason why a building being designed to be a residence should look like either a lighthouse or a water tower. The water towers shown in the enclosed photos submitted by the Reeds were originally built as water towers, and later converted to accommodate other uses, retaining elements of their original design. They were not constructed to look like something else, or to evoke something from the past. It appears to staff that the primary purpose of the entry tower is to create a visual focal point designed to draw attention to the structure and set it apart from other structures in the vicinity, rather than to achieve compatibility. (April 18, 2005 County Staff Report)”*

Further comments about the ‘focal point’ rather than ‘compatibility’ aspect of the approved residence in the January 25, 2005 staff report include:

*“The house proposed by the applicant contains a variety of different shapes, forms, window sizes and styles, and roof pitches. The variety of elements do not form a cohesive whole, so much as a collection of disparate elements...the varied shapes and masses of the house will make it stand out rather than fit in.”*

Given the “Special Community” status of the Town of Mendocino, special care must be taken in siting and designing structures to ensure the character of this significant coastal resource is maintained. For all of the above reasons, the Commission finds that the appeal raises a substantial issue as to whether the scale and design of the approved residence is compatible with the character with: (1) the surrounding area, as required by LUP Policies 4.13-1 and 4.13-13, Coastal Act Section 30251; and (2) the development criteria for “Special Communities”, as stated in Section 20.504.020 of the Coastal Zoning Code, which require that the scale of new development be within the scope and character of existing development in the surrounding area, and that building materials and exterior

colors be compatible with existing structures, and that new development be sited and designed to be visually compatible with the character of the surrounding area.

The Commission certified the Mendocino LCP with its designation of the Town of Mendocino as a special community in recognition of its historic and visual significance. Thus the Commission finds the visual character of the Town of Mendocino is a significant coastal resource, and the project as approved raises a substantial issue of conformance with the provisions of LUP Policies 3.4-1 and 3.4-7 and Coastal Zoning Code Sections 20.500.020.

### **Conclusion of Part One: Substantial Issue**

The Commission finds that for the reasons stated above, the project as approved by the County, raises a substantial issue with respect to the conformance of the approved project with respect to the policies of the certified LCP regarding the protection of visual resources.

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## **PART TWO—*DE NOVO* ACTION ON APPEAL**

### **Staff Notes:**

#### **1. Procedure**

If the Commission finds that a locally approved coastal development permit raises a Substantial Issue with respect to the policies of the certified LCP, the local government's approval no longer governs, and the Commission must consider the merits of the project with the LCP *de novo*. The Commission may approve, approve with conditions (including conditions different than those imposed by the County), or deny the application. Since the proposed project is within an area for which the Commission has certified a Local Coastal Program, the applicable standard of review for the Commission to consider is whether the development is consistent with Mendocino County's certified Local Coastal Program (LCP). Testimony may be taken from all interested persons at the *de novo* hearing.

#### **2. Incorporation of Substantial Issue Findings**

The Commission hereby incorporates by reference into its findings on the *de novo* review of the project the Substantial Issue Findings above.

**I. MOTION, STAFF RECOMMENDATION, AND RESOLUTION**

Pursuant to Section 30625 of the Coastal Act and as discussed below, the staff recommends that the Commission determine that the development does not conform to the standards set forth in the certified local coastal program **deny** the permit. The proper motion is:

**MOTION:**     **I move that the Commission approve Coastal Development Permit No. A-1-MEN-02-148 for the development proposed by the applicant.**

**Staff Recommendation of Denial:**

Staff recommends a **NO** vote. Failure of this motion will result in denial of the permit and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

**RESOLUTION TO DENY THE PERMIT:**

The Commission hereby **denies** a coastal development permit for the proposed development on the ground that the development will not conform with the policies of the certified LCP. Approval of the permit would not comply with the California Environmental Quality Act because there are feasible mitigation measures or alternatives that would substantially lessen the significant adverse impacts of the development on the environment.

**II. FINDINGS AND DECLARATIONS FOR DENIAL**

The Commission hereby finds and declares:

**A. PROJECT AND SITE DESCRIPTION**

Finding C of the Substantial Issue portion of this report regarding the project and site description is hereby incorporated by reference.

**B. ANALYSIS OF LCP CONSISTENCY**

As discussed below, the Commission is denying the proposed residence because it is inconsistent with certified LCP provisions intended to protect visual resources and the “Special Community” of Mendocino.

**1. Protection of Visual Resources and Special Communities**

LCP Policies

LUP Policy 4.13-1 States:

*The Town of Mendocino shall be designated a special community and a significant coastal resource as defined in Coastal Act Section 30251. New development shall protect this special community which, because of its unique characteristics, is a popular visitor destination point for recreational uses.*

*Mendocino shall be recognized as a historic residential community with limited commercial services that are important to the daily life of the Mendocino Coast.*

*The controlling goal of the Town Plan shall be the preservation of the town's character. This special character is a composite of historic value, natural setting, attractive community appearance and an unusual blend of cultural, educational and commercial facilities.*

*The preservation of the town's character shall be achieved, while allowing for orderly growth. This shall be done by careful delineation of land uses, provision of community services and review and phasing of development proposals. Balance shall be sought between residential units, visitor accommodations and commercial uses. Provision of open space and siting of structures to retain public views of the sea shall be considered as part of all new development proposals. The objective shall be a Town Plan which retains as much as possible the present physical and social attributes of the Mendocino Community.*

*"Balance" between residential uses, commercial uses and visitor serving uses shall be maintained by regulating additional commercial uses through development limitations cited in the Mixed Use and Commercial Land Use Classifications; and, by limiting the number of visitor serving uses.*

*Visitor Serving Units listed on Table 4.13-1 (234) shall remain fixed, and a ratio of thirteen long term dwelling units to one Vacation Home Rental or one Single Unit Rental (Tables 4.13-2 and 4.13-3) shall remain fixed; until the plan is further reviewed and a plan amendment is approved and certified by the California Coastal Commission.*

*For example, an increase in long term residential dwelling units from the current count of 306 to 319, would allow an increase of one short term rental, whether Single Unit Rental or Vacation Home Rental.*

*Tables 4.13-2 (Single Unit Rentals) and 4.13-3 (Vacation Home Rentals) shall be flexible as to location and such changes of location shall not require a plan amendment.*



LUP Policy 4.13-13 States:

*In addition to any design review related to protection of the character of the town, all development shall conform to Section 30251 of the Coastal Act, and any specifically designated scenic and view areas as adopted on the map. Provisions of open space and siting of structures to retain public views shall be considered as part of all new development proposals. (Emphasis added).*

Coastal Act Section 30251 states:

*The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting. (Emphasis added).*

Sec. 20.504.020 of the Mendocino County Coastal Zoning Code states in applicable part:

- (A) *The Town of Mendocino is the only recognized special community in the Coastal Element. Division III of Title 20 provides specific criteria for new development in Mendocino...*
- (C) *Development Criteria.*
  - (1) *The scale of new development (building height and bulk) shall be within the scope and character of existing development in the surrounding neighborhood.*
  - (2) *New development shall be sited such that public coastal views are protected.*
  - (3) *The location and scale of a proposed structure will not have an adverse effect on nearby historic structures greater than an alternative design providing the same floor area. Historic structure, as used in this subsection, means any structure where the construction date has been identified, its history has been substantiated, and only minor alterations have been made in character with the original architecture.*
  - (4) *Building materials and exterior colors shall be compatible with those of existing structures.*
- (D) *The scenic and visual qualities of Mendocino County Coastal Areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land*

*forms, to be visually compatible with the character of surrounding areas and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas designated by the County of Mendocino Coastal Element shall be subordinate to the character of its setting. (Ord. No. 3785 (part), adopted 1991) (Emphasis added).*

Discussion

As described above, the project proposal would remodel and add to an existing 1,145 – square-foot one-story residence, to create a two-story 5,428 – square-foot residence with an 826 – square-foot attached garage, for a total of 6,254 square feet. It would increase the size of the existing residence fivefold, including two bedrooms, four bathrooms, a dining room, kitchen, living room, media room, office, sun porch, two-car garage, and a shop utility room. Accessory improvements would include a paved driveway, patio, retaining wall, underground water storage tank, an 80-square-foot utility building, LPG tank, and landscape berms.

The certified LCP provisions of Coastal Zoning Code Section 20.504.020 require that the building scale, including height and bulk, of new development be within the scope and character of existing development in the surrounding neighborhood, and that building materials and colors be compatible with that of existing structures. These provisions implement LUP Policies 4.13-1 and 4.13-13, which require that development in Mendocino preserve the special character of the community, and that development be consistent with Coastal Act Section 30251, which requires that new development be visually compatible with the surrounding area.

Regarding the proposed development's scale, the proposed residence would increase in size by over five times the square footage of the existing residence, three times the height on the western and northern elevation, the latter of which where the second story addition would appear above and beyond the remodeled existing building. This residence would be much larger than other residences in the neighborhood. Immediately adjacent and to the north is a small, inconspicuous, approximately 1,000 – square-foot residence, which would be dominated by the proposed residence (see exhibit 5). Other residences in the neighboring Point of View Subdivision range in size from 1,048 to 2,710 square feet. While there are larger structures in the vicinity, including the "Lemley House," located on the west side of Lansing Street and north of the Reed parcel, which is 4,850 square feet; and the two inns to the east of, and behind the proposed residence, MacCallum House Suites at 8,317 square feet and the Hill House Inn at 35,000 square feet and the Catholic Church's meetinghouse across the street; the majority of these structures are visitor or public serving units. The proposed development is not an inn nor a meetinghouse, but a residence, and it would be significantly larger than other residences in the area. While the applicant has submitted information on other large residences in the Town of Mendocino, none of these are located in the immediate vicinity of the Reed parcel, and hence cannot be used to determine whether the proposed residence is visually compatible with the surrounding area.

Even if one were to compare the proposed residence with the neighboring inns, Hill House and MacCallum House Suites, one would need to take note of the visual context of these structures. The two inns are set back approximately 200-250 feet from Lansing Street, and they do not dominate the main public thoroughfare. In contrast, the Reed parcel is situated immediately adjacent to Lansing Street, and if, as proposed, the residence were enlarged to five times its size, it would dominate the landscape from the eye of the passerby. Currently, the passerby can look east from Lansing Street and see a smooth transition from smaller and shorter residences (including the current Reed residence) to the taller inns on the hillside behind them. If the Reed residence were enlarged as proposed, it would break up this smooth transition and draw one's attention to the large residence towering over the road. Thus, from the standpoint of scale, including bulk and height, the proposed development is inconsistent with Coastal Zoning Code Section 20.504.020(C)(1).

Secondly, various design elements of the proposed residence are inconsistent with Coastal Zoning Code Section 20.504.020(C), which require that building materials and colors be compatible with existing structures. The faux "water tower" attached structure, as well as the proposed white with sweet basil green trim colors, would cause the residence to stand out rather than to be compatible with other structures in the area. The neighboring Hill House Inn is light green, the MacCallum Suites is beige, the small residence neighboring the Reeds to the north is natural wood, and the exterior colors used in the neighboring Point of View Subdivision are mainly weathered wood and many have white trim, in contrast to the proposed basil green trim on the proposed residence. None of these colors are very bright as to cause the structures to stand out from their surroundings. While there are other water towers in Mendocino, the area of town where the Reed parcel is located contains structures that are more modern and differently designed from those structures downtown, and there are no other water towers prominently visible in the vicinity of the subject parcel from Lansing Street, the main vantage point. Thus, the proposed water tower design and the proposed colors on the residence would cause the structure to become a focal point, rather than to blend in with existing surrounding structures, especially when combined with the structures large size, as described above.

Therefore, the Commission finds the project as proposed is inconsistent with LUP Policies 4.13-1 and 4.13-13, and Coastal Zoning Code 20.504.020 and must be denied.

### Alternatives

Denial of the proposed permit will not eliminate all economically beneficial or productive use of the applicants' property or unreasonably limit the owner's reasonable investment backed expectations of the subject property. Denial of this permit request to remodel and expand their existing residence would still leave the applicants available alternatives to use the property in a manner that would be consistent with the policies of the LCP.

The applicants currently have a residence that they can continue to use on the approximately ½-acre property within the Town of Mendocino. In addition, after securing a coastal development permit from the county of Mendocino, the applicants could construct a smaller addition that could be approved if the height were limited to one story, the size were more in keeping with the size of surrounding residences, and the design did not include features such as a water tower and bright colors that are designed to draw attention to the development.

Therefore, the Commission finds that feasible alternatives to the proposed project exist for the applicants to make economically beneficial or productive use of the property in a manner that would be consistent with the policies of the certified LCP.

**Conclusion of Part Two: De Novo Action on Appeal**

The Commission finds that as discussed above, the project as proposed is inconsistent with the Mendocino County certified LCP because the proposed building's scale, including height and bulk, are not within the scope and character of existing development in the surrounding neighborhood, and the building's design, including the faux "water tower" and the proposed bright colors, white and sweet basil green, are not compatible with that of existing structures in the area, inconsistent with LUP Policies 4.13-1 and 4.13-13, and Coastal Zoning Code 20.504.020.

The Commission finds that there are no conditions that could be applied that could make the particular residential structure that is proposed consistent with LUP Policies 4.13-1 and 4.13-13, and Coastal Zoning Code 20.504.020. Therefore, the Commission finds that the proposed project must be denied.

**C. CALIFORNIA ENVIRONMENTAL QUALITY ACT.**

Section 13906 of the California Code of Regulation requires Commission approval of coastal development permit applications to be supported by a finding showing that the application, as modified by any conditions of approval, is consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available, which would substantially lessen any significant adverse impact that the activity may have on the environment.

The Commission incorporates its findings on conformity with LCP policies at this point as if set forth in full. These findings address and respond to all public comments regarding potential significant adverse environmental effects of the project that were received prior to preparation of the staff report.

As discussed herein, in the findings addressing the consistency of the proposed project with the certified LCP, the proposed project is not consistent with the policies of the certified LCP regarding the protection of visual resources and “special communities,” because the scale of the proposed residence, including its height and bulk, are not within the scope and character of existing development in the surrounding neighborhood, and the design of the proposed residence, including the faux “water tower” and the proposed bright colors, white and sweet basil green, are not compatible with that of existing structures in the area.

As also discussed above in the findings addressing project alternatives, there are feasible mitigation measures and feasible alternatives available which would substantially lessen any significant adverse impact that the activity may have on the environment. Therefore, the Commission finds that the proposed project cannot be found consistent with the requirements of the Coastal Act to conform to CEQA.

#### EXHIBITS

1. Regional Location Map
2. Location Map
3. Project Plans
4. Photograph-Reed residence
5. Photograph-neighboring residence
6. Photographs-Lemley house and neighbors on Palette Drive
7. Notice of Final Action
8. Appeal
9. Correspondence